

REMARKS

Response to §102(e) Rejection of Claims 1-4 and 7

In the November 1, 2005 Office Action, the Examiner rejected claims 1-4 and 7 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2005/0077597 A1 to Toma et al. (hereinafter "Toma").

The Toma application was filed on October 10, 2003 and published on April 14, 2005. The present application, on the other hand, was filed on October 14, 2003 before the publication date of the Toma application. Therefore, the Toma application constitutes a §102(e) reference with an effective date of October 10, 2003.

Applicants hereby submit a Declaration under 35 C.F.R. §1.131 (hereinafter "the §1.131 Declaration"), which establishes the actual reduction to practice of Applicant's claimed invention (as recited by claim 1 and its associated dependent claims 2-4 and 7 of the present application) prior to the October 10, 2003 effective date of the Toma application.

Consequently, the Toma application is removed from the prior art, and the §102(e) rejection raised by the Examiner against claims 1-4 and 7 on the basis of the Toma application is therefore overcome.

Response to §103 Rejection of Claims 5-6

In the November 1, 2005 Office Action, the Examiner rejected claims 5-6 under 35 U.S.C. §103 as allegedly obvious over the Toma reference in view of Applicant's admitted prior art on page 2, paragraph [0003] of the instant specification.

As mentioned hereinabove, the Toma reference has been removed as a valid reference upon submission of the §1.131 Declaration.

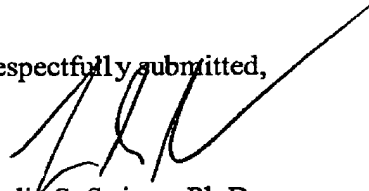
The description on page 2, paragraph [0003] of the instant specification does not provide any derivative basis for a patterned organosiliate dielectric with sidewalls comprising CH_x species with $x = 1-3$, as positively recited by claim 1 as well as its associated dependent claims 5-6.

Therefore, claims 5-6 of the present application patentably distinguishes the description on page 2, paragraph [0003] of the instant specification.

Based on the foregoing, Applicants respectfully request the Examiner to withdraw the rejections of claims 1-7 and to grant allowance of these claims in Applicants' favor.

If any issues remain outstanding, incident to the formal allowance of the application, the Examiner is requested to contact the undersigned attorney at (516) 742-4343 to discuss same, in order that this application may be allowed and passed to issue at an early date.

Respectfully submitted,



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